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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/344,499	06/25/1999	JOHN S. HENDRICKS	026880.00014	9133
4372	7590	07/27/2010		
ARENT FOX LLP 1050 CONNECTICUT AVENUE, N.W. SUITE 400 WASHINGTON, DC 20036			EXAMINER ABEBE, DANIEL DEMELASH	
			ART UNIT 2626	PAPER NUMBER
			NOTIFICATION DATE 07/27/2010	DELIVERY MODE ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

DCIPDocket@arentfox.com

IPMatters@arentfox.com

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Office Action Summary

Application No.

09/344,499

Applicant(s)

HENDRICKS ET AL.

Examiner

Daniel D. Abebe

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 May 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 8-13, 22-27, 29-34, 43-54 and 59-62 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 8-13, 22-27, 29-34, 43-54, 59-62 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/28/10 has been entered.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 8-13, 22-26, 29-34, 43-54 and 59-62 are rejected under 35

U.S.C. 103(a) as being unpatentable over Yoshimune et al. (6,438,233), in view of Anderson et al. (5,157,783) and further in view of Sears et al. (6,115,482)

As to claims 1, 43 and 51 Yoshimune (Fig.5) teaches a method of providing an electronic books comprising the steps of:

selecting an electronic book from a list of available electronic books stored;
receiving the selected book and displaying the pages on a terminal (55) display
see (Figs.5-11, 16-22, 31, 32, 36-42 and 51-53; Col.12, line 34-Col.13, line 55).

Yoshimune doesn't explicitly teach Wherein the selected electronic book are from a list of available electronic books stored remotely.

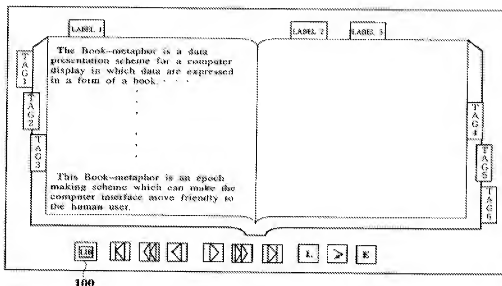
However, Anderson teaches an electronic book accessing and display system, where a user selects and review a book from a displayed list wherein the books are located in an on-line remote database (Figs.10-15; abstract, Col.3, lines 28-50; Col.10, lines 50-55; Col.11, lines 41-45). Allowing the user to select books from a remote storage, as taught by Anderson and claimed by the present invention is obvious to one of ordinary skill in the art, for the purpose of providing the user efficient access to larger choice of books.

It is also noted that Yoshimune doesn't explicitly teach the claim limitation where the displayed electronic text materials are **"provided as audio"**.

Sears, however teaches a method for providing an electronic book in audio form utilizing text to speech conversion of a text material that is displayed on a display device wherein the text material comprises electronic books, magazines, newspaper etc, comprising the steps of receiving selection of the text and synthesizing the text into speech (Fig.1; abstract; Col.3, lines 20-50; Col.4, lines 12-33; Col.4, line 66-Col.5, line 5; Col.6, lines 13-20).

providing the electronic book in audio form would have been obvious to one of ordinary skill in the art at the time of applicant's invention for the purpose of allowing people to listen the book instead of reading it.

FIG. 10



As to claims 4, 44 and 52, Sears teaches where definitions/translations are verbally provided for words selected by the user (Col.10, lines 5-15).

As to claims 5 and 49, Sears teaches adjusting the rate of the audio output corresponding to the text and the user command (Col.9, lines 55-65).

With regard to claim 8, Anderson teaches the method for selecting a book where the book is accessed from a remote location and displaying the selected book for reading and Sears teaches where the displayed pages are verbally read by an electronic book system as addressed above.

As to claims 9-10, Sears teaches controlling the speed and the style of the audio corresponding to text (Col.6, lines 13-20; Col.9, lines 55-65; Col.10, lines 16-30) and pausing and resuming the audio are inherent in light of these features.

As to claim 11, the method is analogous to claims 1 and 8 above and therefore rejected by Yoshimune and Anderson in view of Sears for the foregoing reasons.

As to claims 12-13, Sears teaches controlling the speed and the style of the audio corresponding to text (Col.6, lines 13-20; Col.9, lines 55-65; Col.10, lines 16-30) and pausing and resuming the audio are inherent in light of these features.

With regards to Claims 22-26 and 29-34, the corresponding apparatus for performing the claimed method comprising the above recited step for providing text into audio form is analogous and therefore rejected by Yoshimune, Anderson and Sears for the foregoing reasons.

As to claims 47-48, Yoshimune teaches where the displayed text includes digital video image and Sears teaches where the system speaks aloud text corresponding to the displayed video images and displayed text when the user requests a more detailed explanation (Fig.8; Col.21, lines 28-32).

As to claims 59-62, the presentation of the audio output in Sears is in real time where the text is synthesized using audio files.

As to claim 50, Official Notice is taken that providing prompts in audible form is well known in the art at the time of applicant's invention and would have been obvious in view of the prior arts of record as an alternative to the text prompts.

Claims 2-3, 45-46 and 53-54 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimune et al., Anderson et al in view of Sears et al. (6,115,482) as addressed above and further in view of Quentin et al. (5,208,745)

As to claims 2-3, 45-46 and 53-54, Sears teaches controlling the speed and the style of the audio corresponding to text (Col.6, lines 13-20; Col.9, lines 55-65; Col.10, lines 16-30) but doesn't explicitly teach the claimed features of pausing and resuming commands. However, Quentin teaches a method for verbally presenting electronic books and articles, where the user interrupts the audio presentation of the text by the multimedia through commands (Col.13, lines 50-55). The steps of pausing and resuming the audio are obvious features in the prior arts of record for allowing the user to control the book reading.

Claims 6 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimune et al., Anderson et al., in view of Sears et al. (6,115,482) and further in view of Huffman et al. (5,663,748).

With regard to claims 6 and 27, Sears teaches providing an electronic book in audible form, however he doesn't explicitly teach selecting the voice.

Huffman teaches a system for providing an electronic book in audio form by synthesizing speech from the text comprising a customized voice dictionary (Figs.1-6; Col.7, lines 35-45) wherein the voice dictionary comprises voice font for presenting the electronic book is selected (Fig.10; Col.7, lines 45-54). It would be obvious to one of

ordinary skill in the art at the time of applicant's invention to combine the teachings for the purpose of providing the audio output in a voice of the user choice.

Response to Arguments

Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Munyan (5,761,485).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel D. Abebe whose telephone number is 571-272-7615. The examiner can normally be reached on monday-friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Hudspeth can be reached on 571-272-7843. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Daniel D Abebe/
Primary Examiner, Art Unit 2626